

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE  
1615 M STREET, N.W.  
SUITE 400  
WASHINGTON, D.C. 20036-3215

(202) 326-7900

FACSIMILE:  
(202) 326-7999

November 13, 2023

*Via ECF*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) concerning the public filing of documents associated with Saudi Arabia’s renewed motion to dismiss. *See* ECF No. 9368. Pursuant to the Court’s memorandum endorsement of June 15, 2023, *see* ECF No. 9122, Saudi Arabia has proposed redactions for confidential material contained in its brief (ECF No. 9369) and supporting declaration and exhibits (ECF No. 9390). The FBI has already completed its review of Saudi Arabia’s brief. The parties propose publicly filing a redacted copy of that brief on the MDL docket while the FBI reviews Saudi Arabia’s declaration and exhibits and while the parties meet and confer about whether any redactions should be lifted.

The parties also propose a similar sequence for subsequent filings associated with Saudi Arabia’s and Dallah Avco’s renewed motions to dismiss, including later briefs, declarations, and other supporting papers. The filing party will propose redactions for FBI material and will identify exhibits to remain under seal, and Saudi Arabia and Dallah Avco will identify any of their confidential information, as previously ordered. *See* ECF No. 9122. Upon completion of the FBI’s review of each filing, the filing party will publicly file on the MDL docket a redacted version of its filing (or, if no redactions are sought, an unredacted version), pending the completion of the parties’ meet-and-confer process on proposed redactions. In the case of a declaration, the filing party will file each declaration when the FBI has completed review of that declaration and its exhibits, and will file each exhibit in unredacted or redacted form, or will include a slipsheet indicating that an exhibit remains under seal, as may be appropriate.

By agreeing to the procedure as set forth above, no party waives any right to seek removal of any redaction or unsealing of any sealed document. The Plaintiffs’ Executive Committees, Dallah Avco, and the FBI join in these proposals.

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

The Honorable Sarah Netburn  
November 13, 2023  
Page 2

Respectfully submitted,

*/s/ Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: The Honorable George B. Daniels (via ECF)  
All MDL Counsel of Record (via ECF)